

Minutes of the Maine Real Estate Commission

JUNE 17, 2004

MEMBERS PRESENT

Earl Black
David Kitchen
Sharon Millett
Jeffrey Mitchell
Winfred Stevens

STAFF PRESENT

Carol Leighton, Director
Karen L. Bivins, Deputy Director
Judy Brown, Examiner
Robert Perkins, A.A.G.
Susan Greenlaw, Secretary

MEMBERS ABSENT

Location: Central Conference Room

Start: 9:00 a.m.

Adjourn: 12:45 p.m.

Minutes – May 20, 2004

A motion was made by Jeffrey Mitchell and seconded by Sharon Millett to approve the minutes of the May 20, 2004 meeting as written. Unanimous.

Agenda Modifications

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to add the following to the agenda. Unanimous.

Proposed Consent Agreements

- #2001-109
- #2001-115
- #2003-112
- #2004-062

Proposed Dismissals

- #2002-112
- #2002-122

Hearings

Upon a motion by Sharon Millett and seconded by Jeffrey Mitchell the Chair re-opened the public deliberations in the matter of Director v. Richard A. Dupuis (hearing held 5/20/2004). Assistant Attorney General David Spencer was present as counsel to the Commission. A motion was made by Sharon Millett and seconded by Winfred Stevens to order the immediate revocation of Mr. Dupuis' license. Unanimous.

Commission Decisions

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to deny the request submitted by Mary Jane Thibodeau for an extension to complete the continuing education required in the Decision & Order (hearing held 5/20/2004). Black and Millett voted in the affirmative; Kitchen, Mitchell, and Stevens opposed. Motion failed.

A motion was made by David Kitchen and seconded by Sharon Millett to grant a new hearing and request the Director to offer a Consent Agreement requiring completion of the continuing education by 12/31/04; if the continuing education is not completed, the license will remain under suspension; if the Consent Agreement is not accepted, a hearing will be scheduled. Unanimous.

A motion was made by Sharon Millett and seconded by David Kitchen to accept the Commission Decision in the matter of Director v. Cynthia A. Pouliot (hearing held 5/20/2004). Unanimous.

Consent Agreements

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to accept the proposed Consent Agreements in case numbers 2004-028, 2004-047, 2004-052, 2004-053, 2004-054, and 2004-062. Unanimous.

A motion was made by Sharon Millett to reject the proposed Consent Agreement in case number 2001-109. The motion failed for lack of a second.

A motion was made by David Kitchen and seconded by Winfred Stevens to accept the proposed Consent Agreement in case number 2001-109. Black, Kitchen, Mitchell, and Stevens voted in the affirmative; Millett opposed. Motion carried.

A motion was made by Winfred Stevens and seconded by Sharon Millett to accept the proposed Consent Agreement in case number 2001-115. Unanimous.

A motion was made by David Kitchen to reject the proposed Consent Agreement in case number 2003-112. The motion failed for lack of a second.

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the proposed Consent Agreement in case number 2003-112. Unanimous.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to add the following to the agenda. Unanimous.

- Proposed Consent Agreement #2004-048

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the proposed Consent Agreement in case number 2004-048. Unanimous.

Dismissed Complaints

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to accept the proposed Dismissals in case numbers 2002-065, 2002-081, 2002-099, 2004-037, 2004-044, 2002-112, and 2002-122. Unanimous.

Discussion: Protested Check Issues to be considered

Discussed current procedure and received feedback from members regarding concerns with the process and how it affects the licensing process.

Director's Report

The Director introduced Marilyn Lugner as the new Supervisor of Licensing and Education.

Draft – Legislative Proposals: Discussed draft proposals and made recommendations for changes.

Core Course – 2005: Requested that members provide recommendations at the July meeting.

Manufactured Housing Board – Update Title 10, §9021 (1): The Manufactured Housing Board reviewed and discussed the Commission's letter that was written following discussions at their May 20 meeting. No final proposal regarding the issue has been made by the Manufactured Housing Board. More information is expected at the July meeting.

Licensing Requirements Review – Discussion: Further discussion to be held at the July meeting.

Next Meeting Scheduled for July 15, 2004

The meeting was adjourned at 12:45 p.m.

This report respectfully submitted,

Earl Black
Chairman

Carol J. Leighton
Director